IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
ST. JOSEPH DIVISION

DENISE J. ROYER, Plaintiff, v. FEDERAL NATIONAL MORTGAGE ASSOCIATION, et al., Defendants.	)	Case No. 5:12-CV-06105-BCW

ORDER

Before the Court is Plaintiff's Motion for Stay (Doc. #49) and Plaintiff's Motion for Extension of Time to Respond to Discovery Until Motion to Stay is Ruled (Doc. #52). The Court being duly advised of the premises, and for good cause shown, denies said Motions.

Plaintiff's Motion for Stay (Doc. #49) requests the Court stay this case pending the Missouri Court of Appeals for the Western District's ruling in Fed. Nat'l Mortg. Ass'n v. Conover, Case No. WD76276, because the ruling in that case will provide "appellate guidance . . . regarding potentially dispositive issues in [the lawsuit]" before this Court. See Doc. #49.

Discretion lies with the district court with regard to whether to stay a case. Access Telecomm. v. Sw. Bell Tel. Co., 137 F.3d 605, 609 (8th Cir. 1998). The proponent of the stay bears the burden to establish that a stay is necessary. Clinton v. Jones, 520 U.S. 681, 708 (1997).

"If there be no decision by [the State's highest] court then federal authorities must apply what they find to be the state law after giving 'proper regard' to relevant rulings of other courts of the State." Comm'r of Internal Revenue v. Estate of Bosch, 387 U.S. 456, 465 (1967). The federal court should only ascertain and apply the state law as it stands and if the highest court has not addressed a particular issue, "the federal court must determine what the highest state court would probably hold were it called upon to decide the issue." Hazen v. Pasley, 768 F.2d 226, 228 (8th Cir. 1985).

Because the Missouri Supreme Court has not ruled on the issues presented by this case, this Court must interpret Missouri law as it currently stands. The Court finds Plaintiff has not met its burden to demonstrate the need for a stay of this matter. Accordingly, it is hereby

ORDERED Plaintiff's Motion for Stay (Doc. #49) is DENIED. It is further

ORDERED Plaintiff's Motion for Extension of Time to Respond to Discovery Until Motion to Stay is Ruled (Doc. #52) is DENIED AS MOOT.

IT IS SO ORDERED.

DATED: September 26, 2013

/s/ Brian C. Wimes
JUDGE BRIAN C. WIMES
UNITED STATES DISTRICT COURT